

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**CENTRAL STATES, SOUTHEAST  
AND SOUTHWEST AREAS PENSION  
FUND, CENTRAL STATES,  
SOUTHEAST AND SOUTHWEST  
AREAS HEALTH AND WELFARE  
FUND, AND HOWARD McDougall,  
trustee,**

Plaintiffs/Counter-  
Defendants,

v.

**AGL RESOURCES, INC., a Georgia  
Corporation, NUI CAPITAL CORP., a  
Florida Corporation; and PIVOTAL  
UTILITY HOLDINGS, INC., f/k/a NUI  
UTILITIES, INC., a New Jersey  
Corporation,**

Defendants/Counter-  
Plaintiffs.

No. 07 C 6933

Judge: Blanche M. Manning  
Magistrate: Judge Denlow

**AGREED MOTION TO STAY DISCOVERY**

Defendants/Counter-Plaintiffs, AGL Resources, Inc., NUI Capital Corporation and Pivotal Utility Holdings, Inc., f/k/a NUI Utilities, Inc., and Plaintiffs/Counter-Defendants, Central States, Southeast and Southwest Areas Pension Fund, Central States, Southeast and Southwest Areas Health and Welfare Fund, and Howard McDougall, Trustee, (collectively, "the Parties"), by their attorneys respectfully move this Court to stay discovery while the Parties explore settlement possibilities. In support thereof, the Parties state:

1. Plaintiffs/Counter-Defendants ("Plaintiffs") filed suit alleging that Defendants/Counter-Plaintiffs ("Defendants"), owe additional contributions to the Pension and

Health and Welfare Funds. Plaintiffs base this claim on an audit of Defendants' records for the time between December 2002 and December 2005. Plaintiffs further allege that Defendants owe additional contributions for the time periods April 2001 to December 2002, and December 2005 to March 2008.

2. On June 11, 2008, Plaintiffs submitted extensive discovery requests to Defendants, and on July 10, 2008, Defendants submitted extensive discovery requests to Plaintiffs.

3. In light of the amount of information requested in the respective discovery requests, and the time required to compile the documents requested, the Parties each requested and granted extensions to respond to discovery.

4. The Parties both wish to explore settlement opportunities before either party expends time and resources such that a settlement would be cost prohibitive. Before Plaintiffs engage in settlement discussions, they wish to review some of Defendants records to ascertain whether they believe Defendants owe additional contributions.

5. Although Defendants deny they owe additional contributions, Defendants have agreed to provide, outside of the discovery process and without waiving any discovery objections, certain documents to Plaintiffs which will enable Plaintiff to determine whether they believe Defendants owe additional Fund contributions for time periods April 2001 to December 2002, and December 2005 to March 2008.

6. While the Parties gather the necessary documents, analyze the information, and engage in settlement discussions, the Parties wish to suspend all discovery, including existing deadlines.

7. A Status Hearing is currently set for August 26, 2008. At that time the parties will notify the Court of the progress of the document review and any settlement discussions.

8. If the Parties cannot reach an agreement on their own accord, they will jointly seek a settlement conference with Magistrate Judge Denlow.

9. If, after the settlement conference, the Parties are further unable to reach a settlement agreement, the Parties will seek leave of this Court to resume discovery under a timeline that is amenable to the Parties.

WHEREFORE, Defendants/Counter-Plaintiffs and Plaintiffs/Counter-Defendants request that this Court grant the Parties' Agreed Motion to Stay Discovery.

Respectfully Submitted,

AGL RESOURCES, INC.

By: /s/ Jordan M Goodman  
One of its attorneys

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Dated: July 24, 2008

Respectfully submitted,

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